

DEC 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trudy L. Benjamin, et al.

Examiner: Laura E. Martin

Serial No.: 10/827,135

Group Art Unit: 2853

Filed: April 19, 2004

Docket No.: 200309237-1

Title: FLUID EJECTION DEVICE WITH IDENTIFICATION CELLS

CERTIFICATE OF TRANSMISSIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following paper(s) are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (571) 273-8300 on the date shown below:

1. Transmittal for Restriction Requirement (1 pg.);
2. Response to Restriction Requirement (3 pgs.).

Date: 12-4-06

PGB: kmh

By: 

Name: Patrick G. Billig (Reg. No. 38,080)

5 Pages (including cover page)

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200309237-1

Inventor(s): Trudy L. Benjamin, et al.

Confirmation No.: 2301

Application No.: 10/827,135

Examiner: Laura E. Martin

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Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☒ Other Response to Restriction Requirement, Certificate of Transmission

- ☐ Petition to extend time to respond
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being
transmitted to the Patent and Trademark Office
facsimile number (571) 273-8300.

Date of facsimile: December 4, 2006

Typed Name: Patrick G. Billig

Signature: 

Respectfully submitted,

Trudy L. Benjamin, et al.

By 

Patrick G. Billig

Attorney/Agent for Applicant(s)

Reg No. : 38,080

Date : December 4, 2006

Telephone : 612 573-2003

Rev 10/03 (TransAndFax)

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Serial No.: 10/827,135

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Filed: April 19, 2004

Docket No.: 200309237-1

Title: FLUID EJECTION DEVICE WITH IDENTIFICATION CELLS**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Election/Restriction

In the written Election/Restriction Requirement mailed November 3, 2006, the Examiner required restriction to one of the following species:

- I. Species I, drawn to an identification line, identification cells, a memory circuit, and a memory element (for example, as presently disclosed in claims 1-34);
- II. Species II, drawn to a group of data lines, an identification line, and identification cells (for example, as presently disclosed in claims 35-39);
- III. Species III, drawn to input pads, an identification line, and finger portions (for example, as presently disclosed in claims 40-42);
- IV. Species IV, drawn to data lines, means for responding to signals (a memory circuit), and means for storing the enabling value (a memory element) (for example, as presently disclosed in claims 44-47 and 49);
- V. Species V, drawn to receiving a program signal (identification line), receiving enabling signals (identification line), responding to the received enabling signals (memory circuit), and storing the enabling value (memory element) (for example, as presently disclosed in claims 50-55);
- VI. Species VI, drawn to receiving a read signal (data line), receiving an enabling signal (identification line), responding to the received enabling signals (memory circuit), and storing the enabling signals (memory element) (for example, as presently disclosed in claims 56-60); and
- VII. Species VII, drawn to an identification line, a plurality of cells, a memory, a

Response to Restriction Requirement

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first switch, and a second switch (for example, as presently disclosed in claims 61-68).

In response to the Election/Restriction Requirement, Applicant hereby elects Species VII with traverse for prosecution on the merits. Applicant makes this election with traverse because the Examiner made an error in the Restriction Requirement in indicating that the Species I-VII are all respectively grouped by claims. M.P.E.P § 806.04(e) specifically states that "claims are definitions of inventions. *Claims are never species. . . . Species are always the specifically different embodiments.*"

In addition, certain of the listed species are not or do not have to be mutually exclusive. See M.P.E.P § 806.04(f). For example, Species I, V, VI, and VII are not mutually exclusive, as Species V and VI are generic to Species I and Species I is generic to Species VII. Also, for example, Species I and Species II do not have to be mutually exclusive as all of the features of Species I and Species II are illustrated in the embodiment of Figure 9.

Therefore, Applicant respectfully submits that the above species Election/Restriction Requirement is not proper.

Pending claims 1-34 and 50-68 read on elected Species VII.

CONCLUSION

Having thus addressed the Election/Restriction Requirement imposed by the Examiner, Applicant respectfully requests reconsideration of the application and allowance of all pending claims.

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Title: FLUID EJECTION DEVICE WITH IDENTIFICATION CELLS

Any inquiry regarding this Response should be directed to either Donald J. Coulman at Telephone No. 541-715-1694, Facsimile No. 541-715-8581 or Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
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Fort Collins, Colorado 80527-2400

Respectfully submitted,

Trudy L. Benjamin et al.,

By her attorneys,

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Date: December 4, 2006

PGB:kmh


Patrick G. Billig
Reg. No. 38,080

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 4th day of December, 2006.

By 
Name: Patrick G. Billig